

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

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UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 10-20581-1

JOHN WILSON, et al.,

Defendants.

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**ORDER GRANTING THE UNITED STATE'S  
MOTION TO CORRECT THE RECORD AND SEAL EXHIBIT A**

On September 30, 2013, the United States filed a motion to correct the record and seal exhibit A pursuant to Federal Rule of Appellate Procedure 10(e). That rule allows for correction of the record by order of the district court “if anything material to either party is omitted from or misstated in the record by error or accident.” Fed. R. App. P. 10(e)(2). The court relied on Exhibit A—including reports of interviews that contain sensitive witness and law-enforcement information—when it sentenced Defendant Wilson. “In general the appellate court should have before it the record and facts considered by the District Court.” *United States v. Barrow*, 118 F.3d 482, 487 (6th Cir.1997).

A litigant seeking to remedy an omission should first seek concurrence from the other parties. 16A, Wright & Miller, Federal Practice & Procedure § 3956.4 (4th ed. 2012). If, like here, agreement cannot be reached, “counsel should seek redress from

the district court” (rather than the court of appeals), because “[it] knows best what was presented to it, how it ruled, and what it intended by its rulings.” *Id.* Accordingly,

IT IS ORDERED that the United State’s motion to correct the record and seal exhibit A is GRANTED. Exhibit A is hereby added to the record under seal.

s/Robert H. Cleland  
ROBERT H. CLELAND  
UNITED STATES DISTRICT JUDGE

Dated: October 17, 2013

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, October 17, 2013, by electronic and/or ordinary mail.

s/Lisa Wagner  
Case Manager and Deputy Clerk  
(313) 234-5522